REMARKS

In the Office Action,[1] the Examiner the Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,102,221 to Habisohn ("*Habisohn*") in view of U.S. Patent No. 5,785,191 to Feddema et al. ("*Feddema*") and Digital Filters Theory and Applications by Bose ("*Bose*").

By this Amendment, Applicant has amended claims 1-3 to more appropriately define the invention. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration and withdrawal of the objections and rejections and timely allowance of the claims under examination.

Rejection of Claim 1-3 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 1-3 under 35 U.S.C. § 103(a) as unpatentable over *Habisohn* in view of *Feddema* and *Bose*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. ... [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "All words in a claim must be considered in judging the patentability of that claim against the prior art."

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

M.P.E.P. § 2143.03. "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (emphases in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). ... The factual inquiries ... [include determining the scope and content of the prior art and] ... [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Independent claim 1, as amended, recites a combination including, "parameters a_i (f) and b_j (f) . . . determined by a simulation under a constraint condition that each maximum value in the transportation command does not exceed a limitation of a maximum value of the crane drive unit." *Habisohn*, *Feddema*, and *Bose*, whether taken alone or in any combination, fail to teach or suggest at least these elements.

The Office conceded that *Habisohn* does not teach the above-noted elements, but then relied upon *Feddema* to cure the deficiencies of *Habisohn*. *See* Office Action, pp. 5-6. In particular, the Office appeared to assert that a_1, a_2, a_3 and b_1, b_2, b_3, b_4 correspond to the claimed a_i (f) and b_j (f), respectively. *See* Office Action, p. 6. Without acquiescing to this assertion, Applicant respectfully submits that there is no teaching or suggestion in *Feddema* to determine a_1, a_2, a_3, b_1, b_2, b_3, and b_4 "under a constraint condition that each maximum value in the transportation command does not exceed a

limitation of a maximum value of the crane drive unit," as recited in claim 1. In view of this, *Feddema* fails to compensate the deficiencies of *Habisohn*.

The Office further asserted that *Bose* teaches that "an infinite impulse response (IIR) filtering scheme . . . requires less hardware and can perform a filtering task with greater speed than other types of filters." Office Action, p. 6. Without acquiescing to this assertion, Applicant respectfully submits that *Bose* also fails to teach or suggest the above-noted elements recited in claim 1, and thus does not cure the deficiencies of *Habisohn* and *Feddema*.

Therefore, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the invention of claim 1. Moreover, one of ordinary skill in the art would not have been motivated to modify the teachings of cited references to achieve the claimed combinations. Thus, no reason has been clearly articulated as to why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1, and claim 1 is allowable.

Independent claims 2 and 3, although different in scope from independent claim 1, recite elements similar to those of claim 1. As such, for reasons similar to those discussed above in regard to the rejection of claim 1, claims 2 and 3 are also allowable.

Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the § 103(a) rejection of claims 1-3.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 19, 2010

By: _____
Robert E. Converse, Jr.
Reg. No. 27,432
(202) 408-4000